

DAVID A. ROSENFELD, Bar No. 058163  
ANNE I. YEN, Bar No. 187291  
WEINBERG, ROGER & ROSENFELD  
A Professional Corporation  
1375 55<sup>th</sup> Street  
Emeryville, CA 94608  
Telephone (510) 337-1001  
Fax (510) 337-1023  
E-Mail: drosenfeld@unioncounsel.net  
ayen@unioncounsel.net

Attorneys for Respondent, NABET-CWA Local 51

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

Jeremy Brown,

Charging Party,

and

National Association of Broadcast Employees  
and Technicians - The Broadcasting and Cable  
Television Workers Sector of the  
Communications Workers of America, AFL-  
CIO, Local 51 ,

Respondent.

Nos. 19-CB-244528 and 19-CB-247119

**RESPONDENT'S CROSS-  
EXCEPTIONS**

Respondent, National Association of Broadcast Employees and Technicians, the  
Broadcasting and Cable Television Workers Sector of the Communications Workers of America,  
Local 51, AFL-CIO ("Union" or "Local 51") submits these cross-exceptions. The supporting  
brief is filed herewith in another document.


No.	Page	Cross-Exception
1.	7	To the proposed determination that Local 51 violated the Act. Under the facts of this case, the Union did not breach the duty of fair

		representation. Please see supporting brief filed herewith for further discussion.
2.	p. 14	<p>To section 1(b) of the proposed Order, which would order Respondent – Local 51 -- to “cease and desist from” providing to objectors a determination of the amount of reduced dues and fees objectors must pay, independently verified apportionment, and challenge procedure. It is undisputed that those procedures are handled by CWA, the national union with which Respondent is affiliated, not by Respondent at the Local Union level. If the Board finds that Respondent Local 51 violated the Act by failing to notify Charging Party Brown that he misdirected what could be construed as an attempted objection, when Brown sent his communications to the Local Union instead of CWA in Washington, DC, the other remedies ordered in the proposed decision, apart from section 1(b), would suffice to address that omission. Section 1(b) of the Order would have the effect of requiring Local 51 to perform procedures that are handled by CWA, not Local 51, which is not necessary to remedy a failure by a local union to notify a would-be objector of misdirection. Section 1(b) of the Order would impose an unreasonable administrative burden and call for an unnecessary change to the Union’s procedures for the orderly administration of its dues-objection program, contrary to the Board’s decision in <i>California Saw &amp; Knife Works</i>, 32 NLRB 224, 230, 249 (1995). Please see supporting brief filed herewith for further discussion.</p>
3	Appendix	<p>To the paragraph of the Appendix which states:</p> <p style="text-align: center;">WE WILL NOT fail or refuse to otherwise respond to your dues objections by</p>

		<p>providing you with a good faith determination of the amount of reduced dues and fees objectors must pay, a detailed and independently verified apportionment of the expenditures for representational and non-representational activities, notice of the procedure used, an opportunity to challenge the calculation and have it reviewed, and a reduction of your dues and fees to include only the costs of representational activities.</p> <p>Since these procedures are administered by CWA, not Respondent, Respondent should not be required to include the paragraph above in a Notice. Please see supporting brief filed herewith for further discussion.</p>
--	--	---

Dated: February 4, 2021

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation



By:

ANNE I. YEN

Attorneys for Respondent, NABET-CWA Local 51

148061/1142726

## PROOF OF SERVICE

I am a citizen of the United States and resident of the State of California. I am employed in the County of Alameda, State of California, in the office of a member of the bar of this Court, at whose direction the service was made. I am over the age of eighteen years and not a party to the within action.

On February 4, 2021, I served the following documents in the manner described below:

### RESPONDENT'S CROSS-EXCEPTIONS

- X** BY ELECTRONIC SERVICE By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from [larnold@unioncounsel.net](mailto:larnold@unioncounsel.net) to the email addresses set forth above.

On the following part(ies) in this action:

Ms. Jessica Dietz  
Officer in Charge  
National Labor Relations Board,  
Subregion 36  
Green-Wyatt Federal Building  
1220 SW 3rd Avenue, Suite 605  
Portland, OR 97204-2170

Ms. Sarah Ingebritsen  
Field Attorney  
National Labor Relations Board,  
Subregion 36  
Green-Wyatt Federal Building  
1220 SW 3rd Avenue, Suite 605  
Portland, OR 97204-2170  
Email: [sarah.ingebritsen@nlrb.gov](mailto:sarah.ingebritsen@nlrb.gov)

Todd A. Palo, Executive  
American Broadcasting Companies, Inc.  
77 West 66th St., 15th Fl.  
New York, NY 10023  
Email: [todd.a.palo@abc.com](mailto:todd.a.palo@abc.com)

Aaron B. Solem, Attorney  
National Right to Work Legal  
Defense Foundation, Inc.  
8001 Braddock Rd., Ste. 600  
Springfield, VA 22160-0002  
Email: [abs@nrtw.org](mailto:abs@nrtw.org)

Roxanne Rothschild, Executive Secretary  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570  
(Via E-File)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on February 4, 2021 at Emeryville, California.

/s/ Laureen D. Arnold  
Laureen D. Arnold

148061/1142726